



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,096	12/23/2005	Caroline Kouts		2145
60333	7590	04/17/2006		
EDWIN D. SCHINDLER FIVE HIRSCH AVENUE P.O. BOX 966 CORAM, NY 11727-0966				
			EXAMINER O'HERN, BRENT T	
			ART UNIT 1772	PAPER NUMBER

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/531,096

Applicant(s)

KOUTS, CAROLINE

Examiner

Brent T. O'Hern

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7 April 2005, Preliminary Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-23-06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms “**open upper surface**” in claim 15, line 7 is vague and indefinite because it is unclear to one of ordinary skill in the art what applicant means by “open upper surface”. It is unclear how the surface can be both a surface and open at the same time since surface infers being closed.

Clarification and/or correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US 5,481,767).

Regarding claim 13, Lewis ('767) teaches a mat capable of being in both an open orientation and a closed orientation (*FIG-3, #10 open orientation and FIG-1, #10 closed orientation*), comprising

Art Unit: 1772

a surface having a removable fabric mat (*FIG-3, #10*);

a substantially elongate portion (*FIG-3, #14*) engagable with the removable fabric mat on the surface (*FIG-3, wherein #14 and #10 are attached by hook and loop fasteners #42 and #44*);

side storage portions having pockets for storing items which, in the open orientation, extend laterally from, and at least partially along, a length of the substantially elongate portion (*FIG-3, pockets #18 and #40 and col. 3, ll. 39-42, plurality of pockets*),

the mat being foldable and able to be fastened, via fastening means, in the closed orientation into a portable bag (*col. 2, l. 60, "folded", FIG-1 hook and loop fasteners #36 and #38 and FIG-1 portable bag*); and a means for carrying the mat (*FIG-2, straps #24 and #26*).

Regarding claim 14, Lewis ('767) teaches a mat wherein the means for carrying the mat is a handle attached to an additional surface of the mat (*FIG-1, #24 and #26*).

Regarding claim 15, Lewis ('767) teaches a mat wherein the substantially elongate portion (*FIG-3, #14*) has a first end that is foldable and engagable with the fastening means on the side storage portions with the first end of the substantially elongate portion forming a front face of a bag having an open upper surface (*FIG-2 wherein #14 is foldable and wrappable around #10 and fastened by hook and loop fasteners, #36 and #38*).

Regarding claim 16, Lewis ('767) teaches a mat wherein the substantially elongate portion has a second end that opposes the first end, the second end being foldable over the front face and capable of being fastened thereto (*FIG-2 wherein #14 is wrapped around #10 and fastened by hook and loop fasteners, #36 and #38*).

Regarding claim 17, Lewis ('767) teaches a mat comprising a cover for closing the portable bag (*FIG-1, covering #12*).

Art Unit: 1772

Regarding claim 19, Lewis ('767) teaches a mat wherein the means for carrying the mat is a handle attached to an upper surface of the portable bag in the closed orientation of the mat (*FIG-1, handles #24 and #26*).

Regarding claim 20, Lewis ('767) teaches a mat wherein the means for carrying the mat include back straps for carrying the mat in the closed orientation (*FIG-2, #30*).

Regarding claim 21, Lewis ('767) teaches a mat further comprising storage pockets on a front face of the portable bag in the closed orientation (*FIG-1, open end #22 of pocket #18*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 5,481,767) in view of Rocha (US 5,275,463).

Lewis ('767) teaches the mat discussed above, however, fails to teach wherein the fastening means are snap locks.

However, Rocha ('463) teaches wherein the fastening means are snaps, hook and loops or other functionally equivalent fastening means (*col. 4, l. 3, col. 3, ll. 49-53 and FIG-6, #45 and #48 for the purpose of providing an easily adjustable fastening means (col. 3, ll. 52-54)*).

Art Unit: 1772

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to modify Lewis's ('767) hook and loop fasteners with functionally equivalent snaps as taught by Rocha ('463) in order to provide a mat as described above since Lewis ('767) and Rocha ('463) are both directed towards rolled mats.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTO

Brent T O'Hern  
Examiner  
Art Unit 1772  
April 13, 2006

Nasser Ahmad 4/14/06  
NASSER AHMAD  
PRIMARY EXAMINER  
Acting SPE